

Appl. No. 10/787,266
Atty. Docket No. AA615M2
Reply dated April 15, 2009
Reply to Office Action dated December 3, 2008
Customer No. 27752

REMARKS

Claim Status

Claims 1-9 and 11-15 are pending in the present application. No additional claims fee is believed to be due.

Claims 9-10 are cancelled without prejudice.

Claim 1 has been amended to recite a mesh and/or sponge located at and/or within the nozzle of the dispenser. Support for this amendment is found at page 6, lines 6-15 of the written description.

Rejection Under 35 USC §103(a) Over U.S. 5,075,026 Loth et al. (“Loth”) In View Of U.S. 6,612,468 to Pritchett et al. (“Pritchett”)

Claims 1-4, 6-8, and 11-15 have been rejected under 35 USC §103(a) as being unpatentable over Loth in view of Pritchett. This rejection is traversed as the combination of Loth and Pritchett fail to teach or suggest each and every limitation of Applicants’ currently amended claims. Therefore, it is requested that the present rejection be withdrawn.

As currently amended, Applicants claims require a mesh and/or sponge to be located within and/or at the tip of the nozzle of the dispenser. The combination of Loth and Pritchett fail to teach or suggest such a feature. As noted by Applicants, it has been found that additional meshes and/or a sponge located slightly within, and/or at the tip of the nozzle are especially useful herein, as they serve to generate the foam immediately prior to dispensing. *See the written description* at page 6, lines 10-13. As this, nor any other benefit, is recognized in the art regarding placement of a mesh or sponge, it is believed that the claims are nonobvious over the combination of Loth and Pritchett. Accordingly, Applicants respectfully request that the present rejection be withdrawn.

Rejection Under 35 USC §103(a) Over U.S. 5,075,026 (Loth) In View Of U.S. 6,612,468 to Pritchett et al. (“Pritchett”) And U.S. 5,679,630 to Baeck et al. (“Baeck”).

Claim 5 is rejected under 35 U.S.C. § 103(a) over Loth in view of Pritchett and Baeck. It is believed that Applicants’ arguments with respect to Loth and Pritchett also apply to the present rejection regarding their combination with Baeck. Specifically, the aforementioned references combined with Baeck also fail to teach or suggest the sponge

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of mesh claimed by Applicants. Accordingly, Applicants respectfully request that the present rejection be withdrawn.

Rejection Under 35 USC §103(a) Over U.S. 6,114,298 to Petri et al. (“Petri”) In View Of U.S. 6,612,468 to Pritchett et al. (“Pritchett”)

Claims 1-8, 11, and 13-15 are rejected under 35 U.S.C. § 103(a) over Petri in view of Pritchett. It is believed that the aforementioned discussion further applies to the combination of Petri and Pritchett. The present combination fails to teach or suggest a mesh or sponge in or at the nozzle of the dispenser according to Applicants' claims. Accordingly, Applicants respectfully request that the present rejection be withdrawn.

Double Patenting Rejection Over U.S. Patent No. 7,402,554

Claims 1-2 and 11-12 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 8 and 9 of U.S. Patent No. 7,402,554.

As a result, a properly executed terminal disclaimer in compliance with 37 C.F.R. 3.73(b) is submitted herewith. Therefore, it is believed that any obviousness-type double patenting rejection of the claims of the present application has been obviated.

Conclusion

In light of the above remarks, it is requested that the Examiner reconsider and withdraw the rejection under 35 U.S.C. § 103(a). Early and favorable action in the case is respectfully requested. Applicants' attorney invites the Examiner to contact him with any questions the Examiner may have regarding this application.

This response represents an earnest effort to place the application in proper form and to distinguish the invention as now claimed from the applied references. In view of the foregoing, reconsideration of this application, entry of the amendments presented herein, and allowance of Claims 1-8 and 11-15 is respectfully requested.

Respectfully submitted,

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